

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN GOLDMAN,	:	
	:	
Plaintiff,	:	ECF Case
	:	
-against-	:	No. 1:17-cv-3144 (KBF)
	:	
BREITBART NEWS NETWORK, LLC;	:	
HEAVY, INC.; TIME, INC.; YAHOO! INC.;	:	
GANNETT COMPANY, INC.; HERALD	:	
MEDIA, INC.; BOSTON GLOBE MEDIA	:	
PARTNERS, LLC; NEW ENGLAND	:	
SPORTS NETWORK, INC.,	:	
	:	
Defendants.	:	
	:	

NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; Statement of Undisputed Facts Pursuant to Local Rule 56.1; and the Declarations of Simon Assaad, Aaron Noble, Matthew Blake, Brad Weiss, Brian Wallace, Frank Schwab, Mark Hiland, Jason Lisk, Justin Emond, Anthony Vitale, Kaitlyn Johnston, Anthony Bonfiglio, Michael R. Hall, and Lacy H. Koonce, III; Defendants Heavy, Inc. (“Heavy”), Time Inc. (“Time”), Yahoo Holdings, Inc. (“Yahoo”), Gannett Company, Inc. (“Gannett”), Herald Media, Inc. (“Herald”), Boston Globe Media Partners, LLC (“Globe”) and New England Sports Network, Inc. (“NESN”) (collectively, the “Defendants”); by and through their respective attorneys, hereby move this Court, before the Honorable Katherine B. Forrest, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for partial summary judgment that Defendants’ embedding from Twitter of a photo allegedly owned by Plaintiff does not constitute direct copyright infringement by Defendants, dismissing the case in its entirety as to Defendants Heavy, Gannett, Herald and NESN, and dismissing the case in part as to Defendants Time, Yahoo and Globe.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's order dated September 27, 2017, responses to this motion are due by November 6, 2017, and replies are due by November 21, 2017.

Dated: New York, New York
October 5, 2017

Respectfully submitted,

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